



**DEPARTMENT OF ENVIRONMENT AND CONSERVATION –
Recreation Educational Services Division LWCF/LPRF/NRTF/RTP**

NOTICE OF LIMITATION OF USE

FOR LWCF:

The property identified in the attached general warranty deed has been acquired or developed with federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

FOR LPRF:

The property identified in the attached general warranty deed has been acquired or developed with state financial assistance provided by the Local Parks and Recreation Fund (LPRF) pursuant to TCA 67-4-409. This property may not be converted to other than public recreation uses (whether by transfer or any other means) without the express written approval of the Commissioner of the Tennessee Department of Environment and Conservation, the Commissioner of the Department of Agriculture, and the Executive Director of the Tennessee Wildlife Resources Agency.

FOR NRTF:

The property identified in the attached general warranty deed has been acquired or developed with state financial assistance provided by the Natural Resources Trust Fund (NRTF) pursuant to TCA 11-14-304. This property may not be converted to other than public recreation uses (whether by transfer or any other means) without the express written approval of the Commissioner of the Tennessee Department of Environment and Conservation.



**DEPARTMENT OF ENVIRONMENT AND CONSERVATION –
Recreation Educational Services Division LWCF/LPRF/NRTF/RTP**

NOTICE OF LIMITATION OF USE

FOR RTP:

If the public property identified in the attached general warranty deed has been acquired or developed with federal Safe, Efficient Transportation Act – Legacy for Users (SAFTEA-LU) Recreational Trails Program (RTP) assistance through the Federal Highway Administration (FHWA). In accordance with this act, the state may decide to protect this project under 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the existing comprehensive statewide outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

Authorized Signature (usually Mayor or Agency Director if State or Federal Application)

Printed Name and Title

Applicant

Address

Phone Number

Date

CATEGORICAL EXCLUSION REQUEST

A completed Categorical Exclusion (CE) Request packet must be submitted with the application. The CE letter included in the request packet is not valid if signed and dated prior to receiving all Environmental Clearance Letters for project site.

Projects in the following counties will also have to go through a 2.5 PM (particle matter) hot spot analysis with TDOT: Anderson, Blount, Hamilton, Knox, Loudon and Roane.

See Attachment A for a sample of a completed CE Request.

Categorical Exclusion Request Packet

Project:
Location:
Funding Year:
Contact Person for Environmental Review:
Phone Number:
Project Sponsor:
Project Contacts:

Project Description and Purpose

a. **Description of proposed project**

b. **Purpose and need of project**

Land Use Impacts

a. Right of Way Acquisition and Relocation Impacts

b. Project consistency with local, state and regional plans

c. Any impact to farmland that is either prime, unique, of statewide importance, or of local importance.

Air Quality Evaluation

Noise Impact Evaluation

Section 106 of the National Historic Preservation Act

Endangered Species Act of 1973

Have the requirements under Section 7(c) of the Endangered Species Act have been fulfilled.

Fish and Wildlife Coordination Act of 1958

Floodplain management - Executive Order 11988

Protection of Wetlands - Executive order 11990

Hazardous Waste Evaluation

Section 4(f) of the Department of Transportation Act of 1966

Other Impacts

Review and Recommendation based on material submitted by

_____:

Mayor

Date

The project as proposed will not involve significant impacts to the existing land use. Based on the above findings and the fact that the project will not individually or cumulatively have any significant environmental impacts, it is our recommendation that the project be classified as a categorical exclusion under the provision of 23 CFR 771.117(d).

Michael P. Baumstark Sr. _____
Planning Manager
Recreation Educational Services Division

DATE: _____

CONCUR: _____

DATE: _____

ATTACHMENTS with the Categorical Exclusion Request packet:

Maps

The CE Exclusion Request Packet must include one original USGS Quadrangle Map and one 8.5" x 11" black and white copies of the indicating the project location. Include a vicinity map showing major roads and rivers in relation to the project location.

Photographs of site showing current and surrounding land use.

Site plan showing topographic contours, infrastructure and design of any structures.

ENVIRONMENTAL CLEARANCE

The potential environmental impact of proposed construction and rehabilitation is a serious concern. This grant-aid program requires that all recipients of funding comply with the conditions of the National Environmental Policy Act (NEPA) prior to and during construction activities.

Letters of clearance or compliance with Federal environmental laws must be obtained by the project applicant for each project and submitted with the project application by the application deadline. Letters must be obtained from each of the applicable agencies below:

For LWCF and RTP Applications

Tennessee Historical Commission

ATTN: Mr. E. Patrick McIntyre, Jr.

Clover Bottom Mansion

2941 Lebanon Road

Nashville, TN 37243-0442

Contact: Dr. Joe Garrison

615/532-1550, extension 103

For All Applications

U.S. Fish & Wildlife Service

ATTN: Dr. Lee Barclay

446 Neal Street

Cookeville, TN 38501

931-528-6481

Required for All Applications

For Middle & East Tennessee:

U.S. Army Corps of Engineers

Attention: Mr. Ron Gatlin, Chief

Regulatory Branch

3701 Bell Road

Nashville, TN 37214

615/369-7500

Ron.E.Gatlin@lrm02.usace.army.mil

For West Tennessee:

U.S. Army Corps of Engineers

Attention: Larry Watson, Chief

Regulatory Function Branch

167 N. Main St, B-202

Memphis, TN 38103

901/544-0736

Larry.D.Watson@mvm02.usace.army.mil

Required for All Applications:

Division of Remediation

Attention: Mr. David Randolph

4th Floor, L & C Tower

401 Church Street

Nashville, TN 37243

615-532-0911

David.Randolph@state.tn.us

Required for All Applications:

Division of Underground Storage Tanks

Attention: Stan Boyd

4th Floor, L & C Tower

401 Church Street

Nashville, TN 37243

Contact: Cheryl White

615-532-0963

In addition, an original and four copies of the topographic quad map(s) clearly indicating the entire proposed route of the trail project or park boundary must be submitted with the application. If photocopied, be sure that the name/title of the quad map(s) is indicated.

If the proposed project in any way affects a watercourse, its 100-year floodplain or any lake, pond, reservoir, swamp, marsh, or wetland, the project applicant must secure a Section 404 permit from the U.S. Army Corps of Engineers (listed above). A state Aquatic Resource Alteration Permit (ARAP) from the Division of Water Pollution

Control may also be required. For information on state permit requirements, contact the Department of Environment and Conservation at 1-888-891-TDEC.

It is the applicant's responsibility to secure any required environmental and/or construction permits (local, state or federal) prior to project construction. Separate documentation must be provided for EACH individual project site.

The TDEC permit website address is: <http://www.state.tn.us/environment/permits> . This website provides a list of permits required for specific development projects. Applicants should refer to this site when trying to determine if their proposed project will require a state environmental permit. **Note: Federal and local permits may also be required. This site also provides information on how to apply for a permit.**

Federal agencies only (FWS, TVA, NPS, and COE) may use a current Environmental Impact Statement.

Environmental Clearance Letters

| Agency | Grantee has sent letter to this Agency | Clearance given by Agency | Concern noted by Agency |
|--|---|----------------------------------|--------------------------------|
| Division of Remediation-All grant applications. | | | |
| Division of Underground Storage Tanks-All grant applications. | | | |
| Tennessee Historical Commission-LWCF and RTP only. | | | |
| U.S. Fish & Wildlife Service-All grant applications | | | |
| U.S. Army Corps of Engineers – All grant applications. | | | |
| Division of Natural Areas-All grant applications. | | | |

List of Agencies

For more information about using native plants, safety, building codes, underground storage tanks, etc., that concern your project, contact:

Division of Archaeology
Attention: Mr. Mike Moore
Cole Building #3
1216 Foster Avenue
Nashville, TN 37210
(615) 741-1588, extension 20

Underground Storage Tanks
4th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1541
(615) 532-0945
Contact: Cheryl White
615-532-0963

Division of Natural Areas
Attention: Mr. Reggie Reeves
7th Floor, L & C Annex
401 Church Street
Nashville, TN 37243-1538
Contact: Mr. Roger McCoy
(615) 532-0437
Roger.McCoy@state.tn.us

Division of Remediation
4th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-0447
(615) 532-0908
Contact: Mr. David Randolph
David.Randolph@state.tn.us

Tennessee Exotic Pest Control Council
P.O. Box 40692
Nashville, TN 37204
(615) 646-5292
<http://www.tneppc.org/>

Southern Building Codes
900 Montclair Road
Birmingham, Alabama 35213
(800) 877-2224

Life Safety Codes
National Fire Protection Association
(617) 770-3000, or, (800) 344-3555

Handicapped Code
Public Building Accessibility Act
North Carolina Handicapped Code (TN adopted this)
(919) 733-3901

Consumer Product Safety Commission
Washington, D.C. 20207-0001
<http://www.cpsc.gov/>

TDEC's permit website address is: <http://www.state.tn.us/environment/permits>

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